

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YAVAPAI

DIVISION: 6

By HON. WARREN R. DARROW

CASE NO. P1300CR20081339

JEANNE HICKS, CLERK

By: Heather Smith, Deputy Clerk

DATE: August 27, 2010

<b>FILED</b>
DATE: <u>08/27/10</u>
<u>9:11 O'Clock</u> <u>A.M.</u>
<b>JEANNE HICKS, CLERK</b>
BY: <u>HEATHER SMITH</u>
Deputy

TITLE:

STATE OF ARIZONA

(Plaintiff)

Vs.

STEVEN CARROLL DEMOCKER

(D-1)

(Defendant)

COUNSEL:

Yavapai County Attorney (e)

(For Plaintiff)

John Sears (e)

Larry Hammond & Anne Chapman (e)

OSBORN MALEDON, P.A.

(For Defendant)

HEARING ON:

Jury Trial – Day 40

NATURE OF PROCEEDINGS

COURT REPORTER

Sandra K Markham

START TIME: 9:11 a.m.

APPEARANCES: Joseph Butner, Deputy County Attorney  
Jeff Paupore, Deputy County Attorney  
John Sears, Counsel for Defendant  
Larry Hammond, Counsel for Defendant  
Anne Chapman, Counsel for Defendant  
Steven Carroll Democker, Defendant in Custody

At 9:11 a.m., Court reconvenes with both County Attorneys, all Defense Counsel and the Defendant present, outside the presence of the Jury Panel.

Counsel for State addresses some exhibits provided to Counsel this morning to which they believe is cumulative and should not be used.

Counsel for State agrees to not use all of the exhibits.

Court indicates the only photos which will be admitted would be those that would assist in the witnesses testimony.

Counsel will discuss the exhibits and determine which ones will be used for the Jury Panel.

\*\*\*\*\* Recess at 9:24 a.m. \*\*\*\*\*

Off the record, the Clerk is provided with exhibit 2901 to which the State had received temporarily through Court order.

At 9:43 a.m., Court reconvenes with both County Attorneys, all Defense Counsel, Defendant and the Jury Panel present.

Dr. Laura Fulginiti is sworn and testifies.

Counsel for State requests the admission of exhibit 3026. Counsel for Defendant has no objection. Exhibit 3026 is admitted.

Counsel for State requests the admission of exhibit 3010. Counsel for Defendant has no objection. Exhibit 3010 is admitted.

Counsel for State requests the admission of exhibit 3031. Counsel for Defendant has no objection. Exhibit 3031 is admitted.

Counsel for State requests the admission of exhibit 3027. Counsel for Defendant has no objection. Exhibit 3027 is admitted.

Counsel for State requests the admission of exhibit 3014. Counsel for Defendant has no objection. Exhibit 3014 is admitted.

Counsel for State requests the admission of exhibit 3030. Counsel for Defendant has no objection. Exhibit 3030 is admitted.

Counsel for State requests the admission of exhibit 3025. Counsel for Defendant has no objection. Exhibit 3025 is admitted.

\*\*\*\*\* Recess at 10:57 a.m. \*\*\*\*\*

At 11:23 a.m., Court reconvenes with both County Attorneys, all Defense Counsel, Defendant and the Jury Panel present.

Dr. Laura Fulginiti resumes testifying, having previously been sworn.

Counsel for State requests the admission of exhibit 809. Counsel for Defendant has no objection. Exhibit 809 is admitted.

Counsel for State requests the admission of exhibit 3029. Counsel for Defendant has no objection. Exhibit 3029 is admitted.

Counsel for State requests the admission of exhibit 3021. Counsel for Defendant has no objection. Exhibit 3021 is admitted.

Counsel for State requests the admission of exhibit 3023. Counsel for Defendant has no objection. Exhibit 3023 is admitted.

Court notes this is the time for the noon recess. Court reminds the Jury Panel of the admonition. All parties shall return at 1:20 p.m.

\*\*\*\*\*Lunch Recess at 12:02 p.m. \*\*\*\*\*

At 1:23 p.m., Court reconvenes with both County Attorneys, all Defense Counsel, Defendant and the Jury Panel present.

Dr. Laura Fulginiti resumes testifying, having previously been sworn.

Counsel for State requests the admission of exhibit 3028. Counsel for Defendant has no objection. Exhibit 3028 is admitted.

Counsel for State requests the admission of exhibit 3008. Counsel for Defendant has no objection. Exhibit 3008 is admitted.

Counsel for State requests the admission of exhibit 810. Counsel for Defendant has no objection. Exhibit 810 is admitted.

Court notes this is the time for the afternoon recess. Court reminds the Jury Panel of the admonition. All parties shall return in 20 minutes.

\*\*\*\*\* Recess at 2:39 p.m. \*\*\*\*\*

At 2:40 p.m., Court reconvenes in chambers with both County Attorneys and all Defense Counsel present, outside the presence of the Jury Panel.

Counsel for Defendant waives the presence of the Defendant.

Counsel discuss an issue regarding transcripts.

Court is advised, both Counsel for State and Counsel for Defendant have received transcripts as to Dr. Laura Fulginiti interview and the two transcripts are different.

Counsel discuss issues regarding disclosure of other transcripts.

Parties shall try to work out the issues regarding transcripts.

Counsel for Defendant offers to provide Counsel for State copies of the transcripts if they share the costs.

\*\*\*\*\* Recess at 3:10 p.m. \*\*\*\*\*

At 3:23 p.m., Court reconvenes with both County Attorneys, all Defense Counsel, Defendant and the Jury Panel present.

Dr. Laura Fulginiti resumes testifying, having previously been sworn.

Court offers questions from the Jury Panel.

At 4:03 p.m., the Jury Panel exits the Courtroom.

Court, Counsel and Defendant remain to discuss questions from the Jury Panel.

At 4:23 p.m., the Jury Panel enters the Courtroom.

Court relays the questions to the witness.

Court and Counsel meet at sidebar, off the record, outside the presence of the Jury Panel to discuss a question from the Jury.

Court relays the question to the witness.

Witness is excused, however; is subject to recall.

Court reminds the Jury Panel of the admonition. The Jury Panel shall return at 9:30 a.m. next Tuesday, August 31, 2010.

Counsel shall be present at 8:30 a.m. on Tuesday, August 31, 2010.

Court adjourns at 4:45 p.m.

cc: Dean Trebesch (Contract Administrator) (PD) (e)  
Christopher DuPont, Trautman DuPont PLC,  
Counsel for Victims Charlotte and Katherine DeMocker  
YCSO – Detention Records (e)  
Victim Services (e)  
John Napper, Counsel for Renee Girard(e)  
Division 6